

City Council
Atlanta, Georgia

00- 0-1276

AN ORDINANCE
BY: ZONING COMMITTEE

Z-00-65
7-11-00

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the following property located at **the Northeast Corner of Peachtree Road, N.E. and Highland Drive, N.E.**, be changed from the **C-3 (Commercial Residential) District/SPI-12 (Buckhead/Lenox Stations Special Public Interest District) District** and the **R-4 (Single-Family Residential) District** to the **PD-OC (Planned Development-Office Commercial) District/SPI-12 (Buckhead/Lenox Stations Special Public Interest District) District**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots **45, 46, 61 and 62** of the **17th** District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 1. That this amendment is approved under the provisions of Chapter 19 entitled, "PD Planned Development District," and Chapters 19A through 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 2. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

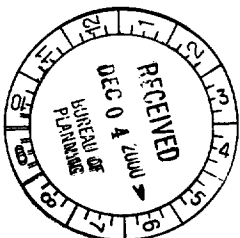
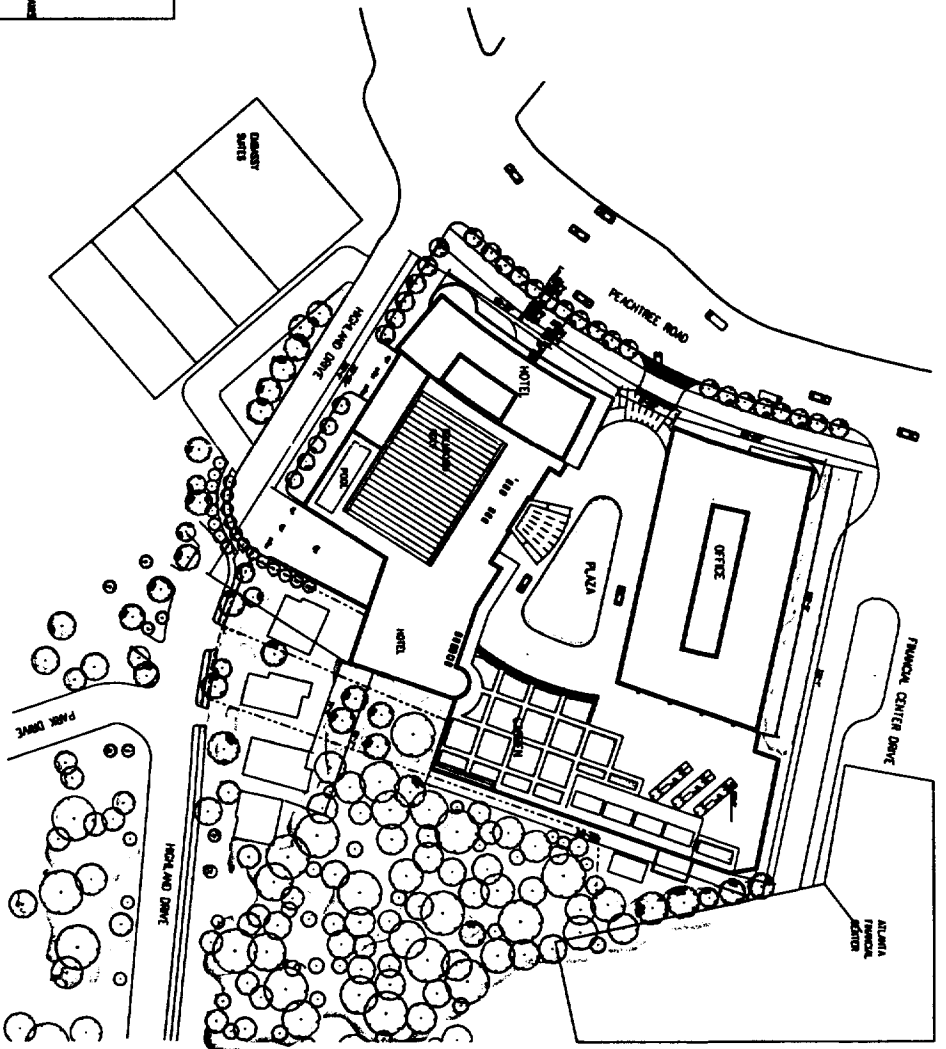
SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Conditions for Z-00-65

1. Site plan entitled "Bass Hotels and Resorts" prepared by TVS, dated October 9, 2000 and marked received by the Bureau of Planning, December 4, 2000 consisting of two(2) sheets identified as "Hotel and Office Site" and "Parking Level One".
2. The attached document marked received by the Bureau of Planning December 14, 2000 and "Exhibit B, Conditions of Zoning" consisting of three(3) pages listing 19 conditions is considered a condition of this rezoning and its provisions shall be enforced as such.

OFFICE: 45,000 GROSS SQUARE FEET
 HOTEL: 34,000 GROSS SQUARE FEET
 GARDEN PLAZA: 45,000 GROSS SQUARE FEET
 PARKING DECK: 342,200 GROSS SQUARE FEET
 PLAZA LEVEL ELEVATION: 100'-0" ABOVE SEA LEVEL
 HOTEL AND OFFICE ROOF ELEVATION: 100'-0" ABOVE SEA LEVEL
 PARKING DECK ELEVATION: 100'-0" ABOVE SEA LEVEL
 TO BE USED FOR CONSTRUCTION OF HOTEL AND OFFICE

HOTEL & OFFICE SITE



20065

ITS

THE HORN GROUP

BASS HOTELS & RESORTS

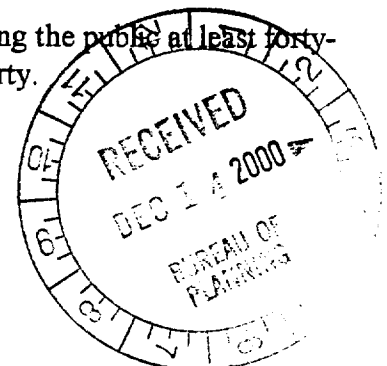
OCTOBER 1, 2000
HOTEL & OFFICE

DATE	DESCRIPTION	AMOUNT	DEBIT	CREDIT	BALANCE
10/01/00	10/01/00	100.00			100.00
10/02/00	10/02/00	100.00			200.00
10/03/00	10/03/00	100.00			300.00
10/04/00	10/04/00	100.00			400.00
10/05/00	10/05/00	100.00			500.00
10/06/00	10/06/00	100.00			600.00
10/07/00	10/07/00	100.00			700.00
10/08/00	10/08/00	100.00			800.00
10/09/00	10/09/00	100.00			900.00
10/10/00	10/10/00	100.00			1000.00
10/11/00	10/11/00	100.00			1100.00
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10/15/00	10/15/00	100.00			1500.00
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4/09/01	4/09/01	100.00			19300.00
4/10/01	4/10/01	100.00			19400.00
4/11/01					

6. Subject to the approval of the Bureau of Planning, there shall be no more than 2.65 parking spaces per thousand gross square feet of office and hotel development constructed on the Property. Peachtree Park supports approval of this ratio.
7. No building permit (other than a building permit limited to grubbing, grading or installation of retaining walls, infrastructure or detention facilities) shall be issued permitting construction of either the hotel or the office building until Hogan or its successors has received written assurance from the Director of the Bureau of Buildings for the City of Atlanta (or from the controlling jurisdiction or agency) that sewer capacity is or will be available to the site prior to completion of construction.
8. Outside construction hours shall be limited to 7:00 a.m. to 8:00 p.m. except within the last sixty (60) days of construction of either the hotel or the office building or on other occasions as may be approved by the Director of the Bureau of Buildings. Hogan, or its successors, shall take reasonable steps to ensure that no construction related vehicles shall park on Highland Drive or in the Peachtree Park subdivision prior to the closure of Highland Drive and the installation of the Interim or Permanent Road Closure Plans referenced in Condition 4 above. After closure, construction vehicles may park on that section of Highland Drive between Peachtree Road and the road closure. At no time shall construction related vehicles park within the Peachtree Park subdivision or use the subdivision streets for delivery of construction materials.
9. The zoning conditions shall be printed on or contained within the notes of any set of construction and building permit site plans approved for the development.
10. Bass, or its successors, as owner of the Hotel, and Hogan, or its successors, as owner of the Office, agree to join and maintain membership in BATMA.
11. After construction is complete, dumpster service shall take place under cover (i.e., within the parking deck or under the building) and shall conform to the legal hours of operation as may be proscribed by the City of Atlanta.
12. Hogan or its successors shall design the storm water detention structure(s) so that the rate of run off of storm water from the site for up to a 100- year storm shall not exceed ninety percent (90%) of the rate of flow for run off in a redeveloped state. In addition, Hogan, or its successors, agrees to install a storm water treatment system designed to screen or filter oil and other impurities from the storm water. Hogan or its successors shall be responsible for annual inspection and maintenance of the storm water treatment system detention structure(s) and related treatment equipment.
13. Hogan, or its successors, agrees to post notification signs notifying the public at least forty-eight (48) hours in advance of any blasting activity on the Property.

Exhibit "B"

page 2 of 3



14. Hogan, or its successors, agrees to complete a tree survey prior to the removal of any trees from the site. Hogan, or its successors, also agrees to notify Peachtree Park at least twenty-four (24) hours in advance of the time when the tree survey will be performed to allow a representative of Peachtree Park to be present during the tree survey if they so desire. Hogan, or its successors, also agrees to provide a copy of the tree survey and the tree replacement plan to Peachtree Park. Hogan, or its successors, agrees to engage an arborist to review the tree protection and replacement plan and advise them, as needed, throughout the development process regarding the protection and preservation of the trees planned to be saved. Hogan, or its successors, also agrees to replace any trees for which they received credit for saving on its tree protection plan, but which died within one (1) year of construction. Replacement shall be in compliance with the Tree Ordinance for the City of Atlanta.
15. Direct lighting levels produced by artificial lighting on the Property shall not produce in excess of 0.5 foot-candle at the eastern boundary line of the Property.
16. All restaurants, cafes and other food preparation facilities on the non-residential portion of the Property shall be required to install grease traps of adequate size based on accepted industry standards to guard against the release of grease into the City of Atlanta sanitary sewer system. All grease traps must be adequately maintained to ensure their performance.
17. Hogan, or its successors, agrees to provide bicycle parking racks for a minimum of 25 bicycles. Bicycle parking racks shall be installed as close as practicable to the building while, in the sole discretion of Hogan or its successors, maintaining the architectural integrity of the building.
18. All mechanical equipment providing heating and air conditioning shall be located either on top of the proposed buildings or screened from view.
19. Any vertical open spaces on the proposed parking deck's eastern side shall be screened from view. The driveway and the parking deck will be designed to reasonably prevent headlights from directly shining into the Peachtree Park subdivision.

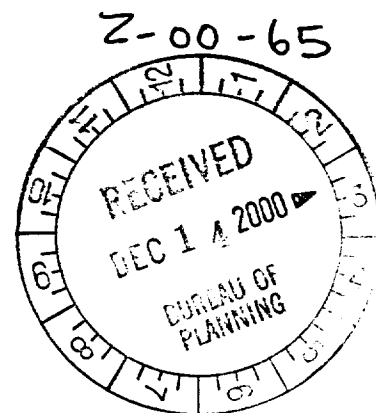


Exhibit "B"

Page 3 of 3

LEGAL DESCRIPTION - ENTIRE PROPERTY

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING LOCATED IN THE CITY OF ATLANTA IN LAND LOTS 45, 46, 61 AND 62 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT AN IRON PIN FOUND AT THE INTERSECTION OF THE SOUTHEASTERN RIGHT-OF-WAY LINE OF PEACHTREE ROAD (HAVING AN 80-FOOT RIGHT-OF-WAY WIDTH) WITH THE NORTHEASTERN RIGHT-OF-WAY LINE OF HIGHLAND DRIVE (HAVING A 50-FOOT RIGHT-OF-WAY WIDTH); RUN THENCE IN A GENERALLY NORTHEASTERLY DIRECTION ALONG SAID SOUTHEASTERN RIGHT-OF-WAY LINE OF PEACHTREE ROAD ALONG THE FOLLOWING COURSES AND DISTANCES: ALONG THE ARC OF CURVE, AN ARC A DISTANCE OF 265.18 FEET TO AN IRON PIN FOUND (SAID ARC BEING SUBTENDED BY A CHORD LYING TO THE NORTHWEST OF SAID ARC AND HAVING A BEARING OF NORTH 32° 03' 26" EAST AND BEING 263.31 FEET IN LENGTH); ALONG THE ARC OF A CURVE, AN ARC A DISTANCE OF 68.13 FEET TO A POINT (SAID ARC BEING SUBTENDED BY A CHORD LYING TO THE NORTHWEST OF SAID ARC AND HAVING A BEARING OF NORTH 17° 13' 28" EAST AND BEING 68.10 FEET IN LENGTH); THENCE NORTH 17° 13' 23" EAST A DISTANCE OF 31.62 FEET TO AN IRON PIN FOUND; THENCE LEAVING SAID SOUTHEASTERN RIGHT-OF-WAY LINE, RUN SOUTH 77° 27' 07" EAST A DISTANCE OF 356.81 FEET TO A POINT; THENCE SOUTH 09° 35' 04" EAST A DISTANCE OF 37.53 FEET TO A POINT; THENCE SOUTH 11° 21' 08" EAST A DISTANCE OF 90.92 FEET TO A POINT LOCATED ON THE NORTHERN BOUNDARY LINE OF AN ALLEY; THENCE SOUTH 46° 06' 02" WEST A DISTANCE OF 6.26 FEET TO A POINT LOCATED ON THE CENTERLINE OF THE ALLEY; THENCE NORTH 87° 49' 58" WEST, ALONG SAID CENTERLINE A DISTANCE OF 51.29 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE, RUN SOUTH 19° 10' 55" WEST A DISTANCE OF 5.41 FEET TO AN IRON PIN FOUND ON THE SOUTHERN BOUNDARY LINE OF SAID ALLEY; THENCE SOUTH 19° 10' 55" WEST A DISTANCE OF 329.20 FEET TO AN IRON PIN FOUND ON THE NORTHEASTERN RIGHT-OF-WAY LINE OF HIGHLAND DRIVE; RUN THENCE IN A GENERALLY NORTHWESTERLY DIRECTION ALONG SAID NORTHEASTERN RIGHT-OF-WAY LINE OF HIGHLAND DRIVE ALONG THE ARC OF A CURVE, AN ARC DISTANCE OF 60.22 FEET TO AN IRON PIN FOUND (SAID ARC BEING SUBTENDED BY A CHORD LYING TO THE NORTHEAST OF SAID ARC AND HAVING A BEARING OF NORTH 78° 21' 18" WEST AND BEING 60.09 FEET IN LENGTH); RUN THENCE ALONG SAID NORTHEASTERN RIGHT-OF-WAY LINE OF HIGHLAND DRIVE ALONG THE ARC OF A CURVE, AN ARC DISTANCE OF 59.84 FEET TO AN IRON PIN FOUND (SAID ARC BEING SUBTENDED BY A CHORD LYING TO THE NORTHEAST OF SAID ARC AND HAVING A BEARING OF NORTH 65° 30' 11" WEST AND BEING 59.72 FEET IN LENGTH); RUN THENCE ALONG SAID NORTHEASTERN RIGHT-OF-WAY LINE OF HIGHLAND DRIVE THE FOLLOWING COURSES AND DISTANCES: NORTH 57° 30' 21" WEST, A DISTANCE OF 10.46 FEET TO AN IRON PIN FOUND; NORTH 57° 29' 01" WEST A DISTANCE OF 299.10 FEET TO AN IRON PIN FOUND AT THE INTERSECTION OF SAID NORTHEASTERN RIGHT-OF-WAY LINE OF HIGHLAND DRIVE WITH THE SOUTHEASTERN RIGHT-OF-WAY LINE OF PEACHTREE ROAD AND THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY CONTAINS 3.735 ACRES (162,703 SQUARE FEET).

HJR/WLJorden
1908 CLIFF VALLEY WAY N.E. SUITE 200
ATLANTA, GEORGIA 30329
ENGINEERS • SURVEYORS • PLANNERS

LOTS 45, 46,
VD 62
FULTON COUNTY
GEORGIA

REVISION

DATE

Z-00-65